

Central Valley Regional Water Quality Control Board
31 January/1 February Board Meeting

Response to Comments
for the
Mountain House Community Services District
Mountain House Wastewater Treatment Plant
Tentative NPDES Permit Renewal
and Tentative Time Schedule Order

The following are Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff responses to comments submitted by interested parties regarding the tentative Waste Discharge Requirements (NPDES Permit No. CA0084271) renewal for the Mountain House Community Services District (Discharger), Mountain House Wastewater Treatment Plant (Facility).

The tentative NPDES Permit and tentative Time Schedule Order were issued for a 30-day public comment period on 15 November 2012 with comments due by 17 December 2012. The Central Valley Water Board received public comments regarding the tentative NPDES Permit by the due date from the Discharger, the United States Environmental Protection Agency (USEPA), and the Central Valley Clean Water Association (CVCWA). No comments were received regarding the tentative Time Schedule Order. Changes were made to the tentative NPDES Permit based on public comments received.

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses.

DISCHARGER COMMENTS

Discharger Comment No. 1. Attachment E - Monitoring and Reporting Program p. E-19, D. Other Reports, item #4.

This section regarding reporting of sanitary sewer overflows (SSOs) should be deleted, or replaced to state that operation of the Discharger's wastewater collection system is permitted under the State Water Resources Control Board Order 2006-0003-DWQ, Statewide General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems, and reporting of sanitary sewer overflows shall be subject to that order's reporting requirements. This item currently states that the "Sanitary sewer overflows are prohibited by this Order," however, the Tentative Permit does not regulate SSOs; Order 2006-0003-DWQ regulates SSOs and reporting of SSO events.

RESPONSE: Central Valley Water Board staff concurs and has removed the section regarding SSOs.

Discharger Comment No. 2. Attachment F - Fact Sheet, p. F-43, Cyanide RP A.

The Discharger requests the following text modification to state that because the 16.8 µg/L effluent cyanide sample is an outlier, it is not representative of the cyanide data set for the effluent.

The cyanide results fit a lognormal distribution, therefore, the data was transformed to their logarithms, and the Grubbs outlier test was performed. The Grubbs outlier test confirmed

that the 1 April 2009 data point of 16.8 µg/L is an outlier. Therefore, the sample is not representative of effluent concentrations of cyanide and was not used to conduct the RPA.

RESPONSE: Central Valley Water Board staff concurs that the suggested language adds clarification and has modified the proposed Permit accordingly. Central Valley Water Board staff evaluated the data and determined one sample was an outlier, which means it is not representative of the discharge and should not be considered in the reasonable potential analysis.

Discharger Comment No. 3. Attachment F - Fact Sheet, p. F -44, Diazinon and Chlorpyrifos RPA.

This section states that no receiving water data are available. The Discharger states that this statement is incorrect; Old River was monitored for diazinon and chlorpyrifos and these data were transmitted to the Central Valley Water Board during the previous permit renewal process.

The Discharger requests the following modification to the Fact Sheet:

*(b) **RPA Results.** Diazinon was not detected in six effluent samples collected between June 2004 and July 2005 (minimum MDL 0.15 µg/L). Chlorpyrifos was not detected in five effluent samples collected during the same time period (minimum MDL 0.26 µg/L). ~~No receiving water data is available.~~ Diazinon and chlorpyrifos were not detected in six samples collected between March 2004 and July 2005 (minimum chlorpyrifos MDL 0.26 µg/L; minimum diazinon MDL 0.15 µg/L). Based on the available data the discharge does not have reasonable potential to cause or contribute to an exceedance of the applicable water quality objectives in the receiving water.*

In addition, the background concentration (B) for diazinon and chlorpyrifos in Attachment G should be shown as "ND," not "NA."

RESPONSE: Central Valley Water Board staff has confirmed that the data identified above was submitted to our office, and has modified the proposed Permit accordingly.

Note that although data demonstrates that there is no reasonable potential for the discharge to cause or contribute to an exceedance of diazinon and chlorpyrifos criteria in the receiving water, a final effluent limitation is included in the proposed permit per the corresponding Total Maximum Daily Load (TMDL).

Discharger Comment No. 4. Attachment F - Fact Sheet, p. F-53, Nitrate and Nitrite Water Quality Objective.

The Discharger states that the permit text describing the applicable water quality objectives (WQOs) for nitrate and nitrite sometimes uses the units of micrograms per liter (µg/L) and sometimes uses milligrams per liter (mg/L), which is somewhat confusing. Most data for nitrate and nitrite are reported as mg/L, and the effluent limitations are expressed as mg/L. Therefore, for simplicity, the Discharger recommends using the units of mg/L in these paragraphs to define the WQOs.

RESPONSE: Central Valley Water Board staff concurs and has modified the proposed Permit accordingly.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) COMMENTS

USEPA Comment A. Reasonable Potential Analysis for Iron, Manganese, and Aluminum

USEPA comments that the permit must impose effluent limitations for iron, manganese, and aluminum. USEPA has three main comments in this item:

- a) The receiving water concentrations exceeded the applicable water quality objectives.
Therefore, it is appropriate to conclude these discharges contribute to an excursion above applicable water quality standards and that reasonable potential exists, even though effluent concentrations for iron, manganese, and aluminum do not exceed the applicable water quality objectives.
- b) It is appropriate for the Regional Board to follow existing State and federal guidance.
The State has not established an alternative procedure for conducting the reasonable potential analysis for non-priority pollutants. Therefore, it is appropriate for the Regional Board to follow USEPA's reasonable potential analysis procedures provided in the Technical Support Document for Water Quality based Toxics Control (TSD). Using the TSD approach results in a finding of reasonable potential for these constituents.
- c) Iron and aluminum effluent limits cannot be eliminated due to antibacksliding and antidegradation requirements.

RESPONSE:

Reasonable Potential Analysis. Central Valley Water Board staff does not concur that there is reasonable potential for the discharge to cause or contribute to an in-stream exceedance of the applicable water quality objectives for aluminum, iron, and manganese. Therefore, in accordance with 40 CFR 122.44, water quality-based effluent limitations are not required.

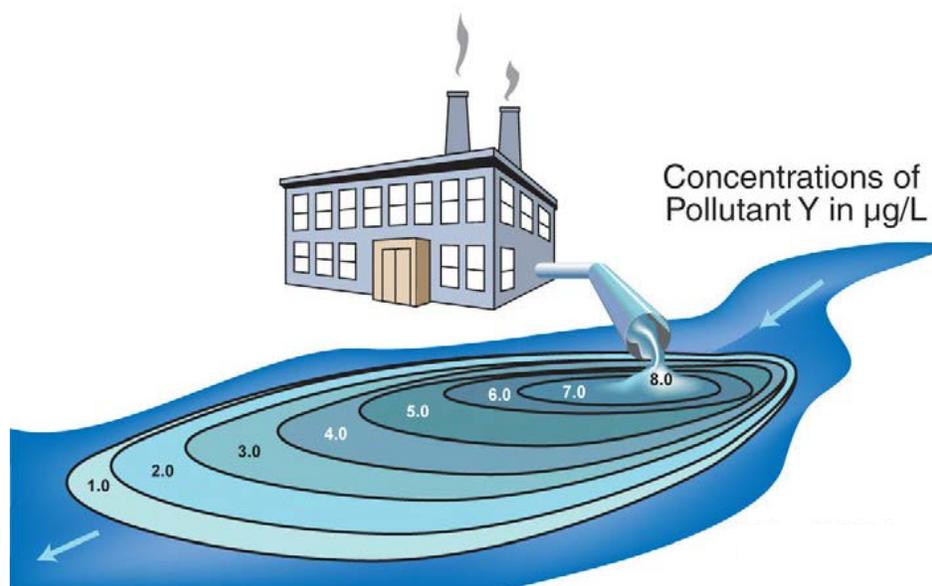
For priority pollutants, the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP) dictates the procedures for conducting the reasonable potential analysis (RPA). Aluminum, iron, and manganese are not priority pollutant constituents. Therefore, the Central Valley Water Board is not restricted to one particular RPA method. Due to the site-specific conditions of the discharge, the Central Valley Water Board staff is using its professional judgment in determining the appropriate method for conducting the RPA for these non-priority pollutant constituents. Central Valley Water Board staff utilized the RPA method recommended in USEPA's Technical Support Document for Water Quality based Toxics Control (TSD), which is explained in USEPA's NPDES Permit Writers' Manual¹.

¹ USEPA NPDES Permit Writers' Handbook (EPA-833-K-10-001 September 2010)

For conducting the RPA, USEPA recommends in its NPDES Permit Writers' Manual the use of a steady-state mass-balance approach to determine the expected critical downstream receiving water for comparison to the applicable water quality objective. Section 6.3.2.1 of the NPDES Permit Writer's Manual states, "For many pollutants such as most toxic (priority) pollutants, conservative pollutants, and pollutants that can be treated as conservative pollutants when near-field effects are of concern, if there is rapid and complete mixing in a river or stream, the permit writer could use a simple mass-balance equation to model the effluent and receiving water." (pg. 6-24) In this case, however, under critical conditions the discharge does not undertake a rapid and complete mix in the receiving water. In cases of incomplete mixing, the NPDES Permit Writers' Manual recommends the following, "To determine whether there is reasonable potential in an incomplete mixing situation, the permit writer would compare the projected concentration of the pollutant of concern at the edge of the regulatory mixing zone or after accounting for the available dilution allowance, with the applicable water quality criterion." (Section 6.3.2.3, pg. 6-29)

Exhibit 6-12 in the NPDES Permit Writers' Manual (see below) depicts an example of an incompletely-mixed discharge and how the appropriate receiving water concentration may be determined using an incomplete mixing water quality model. USEPA recommends using the in-stream pollutant concentration at the edge of the regulatory mixing zone. In the example, the exhibit shows possible regulatory mixing zones and examples of the pollutant concentrations at the edge of each mixing zone. The proposed Order does not allow mixing zones for aluminum, iron, or manganese. Therefore, the projected constituent concentration at the edge of the regulatory mixing zone would be the projected maximum effluent concentration at the end-of-pipe (i.e., no dilution allowed). In USEPA's example, it would be the receiving water concentration shown as "8.0".

Exhibit 6-12, USEPA NPDES Permit Writers' Handbook (EPA-833-K-10-001 September 2010)



As recommend by the TSD, the projected maximum effluent concentrations were calculated using the TSD's Table 3-1, *Reasonable Potential Multiplying Factors: 99% Confidence Level and 99% Probability Basis*. The projected maximum effluent concentrations for aluminum, iron, and manganese are below the applicable water quality objectives. Therefore, using USEPA's recommended RPA method for incompletely-mixed discharges results in a finding of no reasonable potential.

Regardless, the most stringent objectives for aluminum, iron, and manganese are the Secondary Drinking Water MCLs, which are derived from human welfare considerations (e.g., taste, odor, laundry staining), not from toxicity to humans or aquatic life. Although the receiving water contains aluminum, iron, and manganese exceeding the Secondary MCLs, the receiving water is not listed on the 303(d) list as impaired for these constituents, and these constituents are not constituents of concern in the development of the Drinking Water Policy. Additionally, the effluent concentrations are consistently less than the concentrations in the receiving water and below the Secondary MCLs. The discharge is actually lowering the concentrations in the receiving water. Therefore, the Central Valley Water Board staff has determined that the discharge does not have reasonable potential to cause or contribute to an exceedance in the receiving water and the Facility is adequately controlling the discharge of these metals. Water quality-based effluent limitations are not required per federal regulations and clearly unnecessary to protect the beneficial uses of the receiving water.

Anti-backsliding Requirements. Central Valley Water Board staff also does not concur that the removal of the effluent limitations for aluminum and iron do not meet antidegradation and antidegradation requirements. Since adoption of the previous permit, the Discharger has upgraded to tertiary filtration that provides improved treatment and has decreased the loading of aluminum and iron that is discharged to the receiving water. Removal of the effluent limitations meets the antidegradation exceptions in Clean Water Act (CWA) section 402(o)(1), as follows.

CWA section 402(o)(1) and 303(d)(4). CWA section 402(o)(1) specifies that, in the case of effluent imitations established on the basis of CWA section 301(b)(1)(C) (i.e., WQBELs), a permit may not be renewed, reissued, or modified to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit except in compliance with CWA section 303(d)(4). The effluent limitations for aluminum and iron established in previous Order R5-2007-0039 are WQBELs and may be relaxed if the requirements of CWA section 303(d)(4) are satisfied.

CWA section 303(d)(4) has two parts: paragraph (A) which applies to nonattainment waters and paragraph (B) which applies to attainment waters. For attainment waters, CWA section 303(d)(4)(B) specifies that a limitation based on a water quality standard may be relaxed where the action is consistent with the antidegradation policy. The 303(d) listings for Old River and the Sacramento-San Joaquin Delta, as described in section III.D.1 of this Fact Sheet, do not include aluminum and iron. Thus, the receiving water is an attainment water for these constituents². As discussed above, the Facility improvements result in decreased

² "The exceptions in Section 303(d)(4) address both waters in attainment with water quality standards and those not in attainment, i.e. waters on the section 303(d) impaired waters list." State Water Board Order WQ 2008-0006, Berry Petroleum Company, Poso Creek/McVan Facility.

loadings of these pollutants, thus removal of WQBELs for aluminum and iron is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution No. 68-16. Therefore, the removal of these effluent limitations meet the exception to the anti-backsliding requirements under CWA section 402(o)(1) and 303(d)(4).

USEPA Comment B. Compliance Schedule for Methylmercury

USEPA commented that the interim compliance schedule milestones are not sufficient to meet the requirements at 40 CFR 122.47 (a) (3), which provides specific examples of interim requirements such as: “(a) submit a complete Step 1 construction grant (for POTWs); (b) let a contract for construction of required facilities; (c) commence construction of required facilities; (d) complete construction of required facilities.” The regulations at 40 CFR 122.47(a)(3)(ii) allow progress reports to be included if the interim requirements cannot be readily divisible into 1-year increments, but reports alone are not acceptable as interim requirements. USEPA suggests that the recently adopted compliance schedules for the Cities of Mt. Shasta and Dunsmuir provide the appropriate mix of action-specific milestones and reporting milestones, consistent with federal regulatory requirements. USEPA also comments that the proposed compliance date is not justified.

RESPONSE: The Delta Mercury Control Program is composed of two phases. Phase 1 spans from 20 October 2011 through the Phase I Delta Mercury Control Program Review, expected to conclude by October 2020. Phase 1 emphasizes studies and pilot projects to develop and evaluate management practices to control methylmercury. Phase 1 includes provisions for: implementing pollution minimization programs and interim mass limits for inorganic (total) mercury point sources in the Delta and Yolo Bypass; controlling sediment-bound mercury in the Delta and Yolo Bypass that may become methylated in agricultural lands, wetland, and open-water habitats; and reducing total mercury loading to San Francisco Bay, as required by the Water Quality Control Plan for the San Francisco Bay Basin.

At the end of Phase 1, the Central Valley Water Board will conduct a Phase 1 Delta Mercury Control Program Review that considers: modification of methylmercury goals, objectives, allocations and/or the Final Compliance Date; implementation of management practices and schedules for methylmercury controls; and adoption of a mercury offset program for dischargers who cannot meet their load and waste load allocations after implementing all reasonable load reduction strategies. The review also will consider other potential public and environmental benefits and negative impacts (e.g., habitat restoration, flood protection, water supply, fish consumption) of attaining the allocations. The fish tissue objectives, the linkage analysis between objectives and sources, and the attainability of the allocations will be re-evaluated based on the findings of Phase 1 control studies and other information. The linkage analysis, fish tissue objectives, allocations, and time schedules shall be adjusted at the end of Phase 1, or subsequent program reviews, if appropriate.

Phase 2 begins after the Phase 1 Delta Mercury Control Program Review or by 20 October 2022, whichever occurs first, and ends in 2030. During Phase 2, dischargers shall implement methylmercury control programs and continue inorganic (total) mercury reduction programs. Compliance monitoring and implementation of upstream control programs also shall occur in Phase 2.

USEPA was involved throughout the process of developing the Delta Mercury Control Program and supported the phased approach. In an 18 May 2011 comment letter to the State Water Resources Control Board (State Water Board), Ms. Alexis Straus, USEPA Region IX Director of the Water Division, urged the State Water Board to expeditiously approve the Basin Plan Amendment. Ms. Straus also provided the following comments regarding the phased approach and supported the compliance schedule provisions for NPDES discharges as follows:

“2. Compliance Schedules for NPDES Permittees: The proposed BPA contemplated that compliance schedules for NPDES dischargers will only start at the beginning of Phase 2, after the Regional Board completes a review of the Phase 1 Control Studies. However, this intent is inconsistent with EPA regulations concerning compliance schedules at 40 CFR 122.47 and with the State Boards 2008 Policy for Compliance Schedules in NPDES Permits, both requiring that compliance schedules, if allowed, be as short as possible. The adopted BPA added the following to Chapter IV, Delta Mercury Control Program, Final Compliance Date, fourth paragraph:

“The Regional Board will review the feasibility of meeting waste load allocations based on reliable data and information regarding variability in methylmercury concentrations and treatment efficiencies and time needed to comply with the wasteload allocations. The Phase 1 Control Studies are designed to provide this information. As needed, the Regional Board shall incorporate the Phase 1 Control Studies into compliance schedules. When Phase 1 studies are complete, the Regional Board will review the need for additional time during Phase 2 for NPDES permittees to comply with the final wasteload allocations.

***“This language is consistent with both federal requirements for compliance schedules and with the 2008 State Policy.** Under the 2008 State Policy, compliance schedules for water quality-based effluent limitations based on the wasteload allocations in the TMDLs are authorized only where the Regional Board determines that the Policy's scope and applicability requirements are met and the discharger complies with the compliance schedule application requirements in paragraph 4 of the Policy, demonstrating that additional time to implement actions to comply with the limitations is needed. We request this language remain included in the approved BPA.”* (emphasis added)

The language cited by Ms. Straus remained unchanged in the BPA. Additionally USEPA (Ms. Alexis Straus, USEPA Region IX Director of the Water Division) approved the water quality standards and the TMDL for the Delta (both of which are in the Basin Plan) on 20 October 2011.

Based on this provision of the Delta Mercury Control Program, the proposed methylmercury compliance schedule for the Mountain House Community Services District requires detailed interim requirements consistent with the Basin Plan during Phase 1 of the Delta Mercury Control Program. At this time, however, it is not possible or reasonable to develop specific interim requirements for Phase 2 and it is recognized in the proposed Order the compliance schedule and final compliance date will change upon completion of the Phase 1 studies and the Central Valley Water Board's Phase 1 Delta Mercury Control Program Review. This was acknowledged by USEPA and was approved to comply with the compliance schedule regulations in 40 CFR 122.47. The Delta Mercury Control Program was developed through

a long stakeholder process and USEPA staff was heavily involved. USEPA management was supportive of the phased approach, and at the time of adoption of the TMDL stated the compliance schedule provisions complied with federal regulations and the State Water Board's Compliance Schedule Policy. The requested changes by USEPA for the proposed permit would undo the significant collaborative work that was completed in the development of the TMDL.

CENTRAL VALLEY CLEAN WATER ASSOCIATION (CVCWA) COMMENTS

CVCWA Comment A. The Tentative Order's UV Disinfection System Operating Specifications

CVCWA comments that the Tentative Order contains highly prescriptive UV Disinfection System Operating Specifications for the Facility³. These specifications are inconsistent with the Water Code's prohibition against dictating the manner of permit compliance. In particular, Water Code section 13360(a) states:

No waste discharge requirement or other order of a regional board or the state board or decree of a court issued under this division shall specify the design, location, type of construction, or particular manner in which compliance may be had with that requirement, order, or decree, and the person so ordered shall be permitted to comply with the order in any lawful manner.

CVCWA continues to state that Water Code section 13360 "preserves the freedom of persons who are subject to a discharge standard to elect between available strategies to comply with that standard."⁴ Under this section, "[t]he discharger *must* be allowed to comply with the permit in any lawful manner."⁵ Accordingly, the Tentative Order and adopted permit must "allow[] the dischargers to select the manner of compliance."⁶ However, in this case, the Tentative Order would establish requirements that impermissibly dictate the Discharger's manner of permit compliance. For example, the Tentative Order would require the Discharger to "operate the UV disinfection system to provide a minimum UV dose per channel of 100 millijoules per square centimeter (mJ/cm²) at peak daily flow[.]"⁷ In addition, the Tentative Order contains detailed requirements related to UV transmittance, flow, lamps, quartz sleeves, and other parameters.⁸

³ Tentative Order at pp. 23-24.

⁴ *Tahoe-Sierra Preservation Council v. State Water Resources Control Board* (1989) 210 Cal.App.3d 1421, 1438.

⁵ *In the Matter of the Review on Own Motion of Waste Discharge Requirements Order No. 5-01-044 for Vacaville's Easterly Wastewater Treatment Plant*, Order WQO 2002-0015 (Oct. 3, 2002) at p. 37, emphasis added.

⁶ *In the Matter of Petition of Citizens for a Better Environment (CBE), et al.*, Order No. WQ 90-5 (Oct. 4, 1990) at p. 87; see *In the Matter of the Petition of the United States Department of Agriculture, Forest Service of Review of Order No. 6-82-123*, Order No. WQ 83-3 (April 21, 1983) at p. 4 [Water Code section 13360 "allows the Regional Board to regulate discharges of waste fully, so long as it does not tell the discharger precisely how to meet the established limits."].

⁷ Tentative Order at p. 23.

⁸ *Id.* at pp. 23-24.

RESPONSE: Central Valley Water Board staff does not concur. For protection of the direct recreational contact (REC-1) beneficial use, the proposed Permit requires disinfection of the discharge, prior to discharge to the receiving water, at a level equivalent to California Code of Regulations, Title 22, division 4, chapter 3 (Title 22) disinfected tertiary recycled water. This requirement is necessary to protect public health from contact with undiluted treated municipal wastewater. The proposed Permit includes effluent limits and operating specifications to ensure this level of disinfection, including effluent limits for total coliform organisms, and operating specifications for the ultraviolet (UV) disinfection system (e.g., turbidity, UV dose, and UV transmittance). Compliance with the effluent limits and operating specifications demonstrates compliance with the equivalency to Title 22 disinfection requirement. The operating specifications are not subject to Mandatory Minimum Penalties (MMPs).

CVCWA comments that the specifications violate Water Code 13360 and that turbidity specifications and total coliform organism effluent limits are sufficient to ensure compliance with the Title 22 disinfected tertiary recycled water requirement. Central Valley Water Board staff does not concur. The California Department of Public Health developed the requirements for turbidity and total coliform based on the use of chlorine disinfection. For facilities that utilize UV disinfection, DPH requires compliance with additional specifications to ensure adequate disinfection is provided.

The National Water Research Institute (NWRI) and American Water Works Association Research Foundation NWRI/AWWRF's "Ultraviolet Disinfection Guidelines for Drinking Water and Water Reuse" first published in December 2000 and revised as a Second Edition dated May 2003 (NWRI Guidelines) includes UV operating specifications for compliance with Title 22 disinfected tertiary recycled water. For water recycling in accordance with Title 22, DPH requires that the UV system shall be an approved system included in the Treatment Technology Report for Recycled Water, December 2009 (or a later version, as applicable) published by the DPH. The UV system shall also conform to all requirements and operating specifications of the NWRI Guidelines. A Memorandum dated 1 November 2004 issued by DPH to Regional Water Board executive officers recommended that provisions be included in permits for water recycling treatment plants employing UV disinfection requiring dischargers to establish fixed cleaning frequency of lamp sleeves, as well as, include provisions that specify minimum delivered UV dose that must be maintained (per the NWRI Guidelines).

The proposed Permit includes UV specifications for UV dosage, UV transmittance, and lamp cleaning/replacement in accordance with the NWRI Guidelines. These requirements are necessary for UV disinfection systems to ensure the facility adequately disinfects the wastewater for virus inactivation as required by Title 22.

Since the UV specifications are based on the NWRI Guidelines, a reopener provision included in the proposed Permit to allow modification of the UV operation specifications in the event the Discharger conducts a site-specific UV Engineering study that demonstrates modified UV specifications will achieve the virus inactivation required by Title 22 for disinfected tertiary recycled water.

Legal arguments concerning the Central Valley Water Board's purported failure to comply with Water Code section 13360 are similarly misplaced. For example, as the court noted in *Tahoe-Sierra Preservation Council v. State Water Resources Control Board* (1989) 210

Cal.App.3d 1421, 1438, “Section 13360 is not a sword precluding the regulation of discharges of pollutants. . . .If, under present conditions of knowledge and technology, there is only one manner in which compliance may be achieved, that is of no moment” (citing *Pacific Water Conditioning Assn., Inc. v. City Council* (1977) 73 Cal.App.3d 546, 554). The court went on to say that “Where the lack of available alternatives is a constraint imposed by present technology and the laws of nature rather than a law of the Water Board specifying design, location, or type of construction or particular manner of compliance, there is no violation of Section 13360.”

In this case, the proposed permit requirements (i.e., total coliform effluent limits, turbidity specifications, and UV operating specifications) are merely ensuring compliance with DPH disinfection requirements. Furthermore, the Discharger specifically has chosen a UV disinfection system as opposed to other treatment technologies (such as chlorine). With the Discharger’s choice of selecting UV disinfection comes the corresponding obligation to comply with DPH disinfection requirements. The Discharger’s choice of a UV disinfection system requires UV operating specifications as reflected in the Central Valley Water Board’s proposed permit, in part, because the Discharger has not submitted a site-specific UV disinfection study demonstrating that modified UV specifications will achieve virus inactivation equivalent to Title 22 for disinfected tertiary recycled water. Finally, even assuming for the sake of argument that the proposed permit requirements were the only manner in which to comply with DPH disinfection requirements, this argument also fails. See, *e.g.*, *Tahoe-Sierra Preservation Council*, 73 Cal.App.3d at p. 1438 (dismissing Plaintiff’s claim that there is a violation of Water Code section 13360 even if there is only one manner of meeting a discharge standard is feasible).